

REMARKS

Claims 1-21 are pending in the application and stand rejected.

Interview Summary

The undersigned thank the Examiner for granting and conducting the telephonic interview on July 31, 2008.

The rejection of claims 1, 5 and 9 in view of Terashita (US 2002/0140825) was discussed in detail. It was agreed during the interview that the present claims would be patentably distinguishable over Terashita if amended to recite that the models of digital cameras are classified into at least two groups of predetermined level ranges according to level of a characteristic of image data due to the models of the digital cameras that obtained the image data, wherein each group has a different level of the characteristic of the image data.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 5, 6 and 9-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Terashita (US 2002/0140825) (cited in the IDS filed April 2, 2004).

Terashita relates to an image processing method for carrying out image processing on digital image signals under different image processing conditions based on the kind of digital camera that obtained the digital image data. (par. [0011]). Terashita utilizes various means for determining what kind of digital camera obtained the image data, including: manually inputting the kind of camera; attaching a tag to the image data *indicating the specific camera kind*; and using statistical information to presume various color/shading parameters, i.e., mean values of image data from a *particular camera*. (par. [0014, 0016-0018]).

Claim 1, as amended, recites *inter alia*, “carrying out classification of models of digital cameras into at least two groups of predetermined level ranges according to level of a characteristic of image data due to the models of the digital cameras that obtained the image data, each group having a different level of the characteristic of the image data.

Accordingly, Applicant respectfully submit that because Terashita fails to disclose classifying models of digital cameras into at least two groups, wherein each group has a different level of a characteristic of image data, this reference fails to disclose all the features recited in claim 1. More specifically, Terashita fails to disclose that each group has a different level of the characteristic of the image data.

Thus, Applicant respectfully submits claim 1 is allowable for at least this reason. Additionally, because claims 5 and 9 recite a feature similar to the feature of claim 1 discussed above, Applicant submits claims 5 and 9 are allowable for the at least the same reasons set forth above. Finally, Applicant submits claims 2, 6 and 10-21 are allowable, at least by virtue of their

Claim Rejections - 35 U.S.C. § 103

Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terashita.

The Examiner contends that Terashita discloses most of the features of claims 3-4 and 7-8, but concedes Terashita fails to disclose the image processing method wherein the digital cameras are built into mobile phones. To compensate for this deficiency, the Examiner takes Official Notice that it is well-known and expected in the art to build cameras into mobile phones in order to consolidate many devices into one.

In response, Applicant respectfully submits that because the Examiner's Official Notice fails to compensate for the deficiencies of Terashita as set forth above with regard to claims 1, 5 and 9, claims 3, 4, 7 and 8 are allowable, at least by virtue of their dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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